

REMARKS

At the outset, Claim 40-43 have been copied from Claims 1, 7, 8 and 9 of U.S. Patent No. 6,347,885 for the purpose of provoking an interference.

Moreover, Claims 40-43 correspond to Claims 44-47 from parent application serial no. 10/040,117, which was the subject of a restriction requirement. Therefore, these claims were originally copied on April 2, 2002, within one year of the February 19, 2002 issue date of U.S. Patent No. 6,347,885 and thereby meeting the requirements of 35 U.S.C. §135(b).

It is believed that an interference should be declared on a count corresponding to Claim 40 hereinabove, which corresponds to the patent claim as identified above.

The claim is supported by the present specification, including drawings, as follows:

New Claims 40-43	Support in specification and drawings
40. A flexible, reclosable package comprising:	The bag 30 illustrated in Figure 25 and described from page 16, last line to page 17, line 7.
(a) first and second panel sections defining an interior;	The bag 30 illustrated in Figure 25 has first and second panel sections defining an interior.
(b) a zipper closure sealed to each of first and second panel sections along a top edge, the zipper closure extending from a first side edge to a second side edge and comprising first and second mating profiles;	Profiles 10, 12 of Figure 25.
(c) a slider device constructed and arranged for mounting on the zipper closure and for interlocking the first mating profile with the second mating profile when the slider device is moved in a first direction and disengaging the first mating profile from the second mating profile when the slider device is moved in a second opposite direction; the slider device being operably mounted on the zipper closure; and	Slider 9 of Figure 25.
(d) a first tamper-evident structure disposed at the top edge and encasing a first portion of the	The film extension 126 of Figure 25 forms a tamper-evident structure on the top edge of bag

zipper closure, the tamper-evident structure having an opening exposing the slider device,	30 which encases a portion of the zipper closure formed by profiles 10, 12. Leftmost side-cut 122 forms an opening which exposes slider 9.
the opening defined by the tamper-evident structure.	Left-most side-cut 122 of Figure 25 forms an opening which provides access to slider 9 and is defined by the film extension 126. It is noted that col. 3, lines 60-63 of U.S. Patent No. 6,347,885 (from which this claim was copied) states that “entirely defined” means “totally surrounded”. Therefore, it follows that “defined” (as distinct from “entirely defined”) encompasses “partially surrounded” (as distinct from “totally surrounded”). Further, this position is supported by the language of this claim regarding first and second panel sections defining an “interior” in that the interior is not “totally surrounded” by the panels when a mouth is formed in the package.
41. The package according to claim 40, wherein:	See claim 40 above.
(a) the slider device is positioned within the opening of the first tamper-evident structure.	Left-most side-cut 122 of Figure 25 forms an opening in film extension 126 in which slider 9 is positioned.
42. The package according to claim 40, further comprising:	See claim 40 above.
(a) an area of weakness extending along the first tamper-evident structure.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form an “area of weakness”.
43. The package according to claim 42, wherein:	See claim 42 above.
(a) the area of weakness is a perforation line.	The perforations 124 described on page 17, lines 5-7, and shown on Figure 25 form a “perforation line”.

Applicant's effective filing date is earlier than the filing date of U.S. Patent No. 6,347,885.

The Commissioner is authorized to charge any necessary fees to Deposit Account No. 50-1145, Order No. 500769.106073.

Respectfully submitted,



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